

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

2006 JAN 25 PM 1:40

MIAMI VALLEY HOSPITAL,

Plaintiff,

Case No. 3:05-cv-297

-vs-

District Judge Thomas M. Rose  
Chief Magistrate Judge Michael R. Merz

COMMUNITY INSURANCE  
COMPANY, et al.,

Defendants.

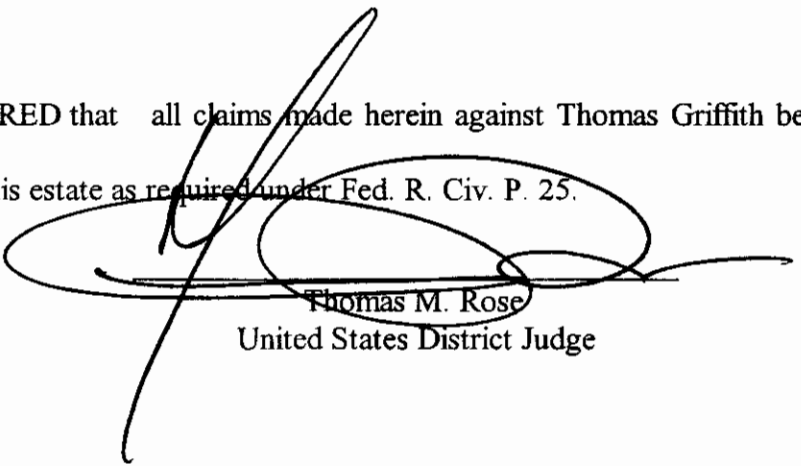
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**ORDER ADOPTING REPORT AND RECOMMENDATIONS IN PART**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #22), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed to that portion of the Report recommending dismissal of the deceased Defendant Thomas Griffith and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on January 24, 2006, hereby ADOPTS that portion of said Report and Recommendations.

It is therefore ORDERED that all claims made herein against Thomas Griffith be dismissed for failure to substitute his estate as required under Fed. R. Civ. P. 25.  
January 25, 2006.

  
Thomas M. Rose  
United States District Judge